



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2024-06 [02 July 2024]

OSHA To Propose Occupational Heat Standard

Today, President Biden announced that OSHA will soon publish a proposed standard meant to mediate the effects of excessive workplace heat.

The ILA~USMX Joint Safety Committee has obtained an advance copy of the proposed standard, and we provide our labor and management constituents with a link to the complete version in its current form:

[Link to Current Version of OSHA's Proposed Occupational Heat Standard](#)

Please note the **Disclaimer** at the heading of each page.

We expect publication of the proposed rule in the **FEDERAL REGISTER** this week or next week.

The actual **FEDERAL REGISTER** notice will be accompanied by an extensive preamble and will include information which addresses public participation within the final rulemaking process.

How this contemplated standard will be impacted by the recent U.S. Supreme Court ruling in [*LOPER BRIGHT ENTERPRISES ET AL. v. RAIMONDO, SECRETARY OF COMMERCE, ET AL.*](#), (i.e., the vacating of the “*Chevron Deference*”) is a matter of some conjecture.

Got a question about this particular subject? Write to the JSC at: blueoceana@optonline.net

Working Together For The Benefit Of All

ILA-USMX OSH Alerts are devised to reflect the best possible information and guidance, and are products of diligent research and the most up to date subject matter knowledge. Consequently, while the information contained herein is believed to be accurate, owing to a host of factors ILA-USMX can convey no direct or implied warranty relative to the reliance of parties upon content.



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2024-05 [12 June 2024]

National Weather Service & Centers for Disease Control & Prevention Launch New Heat Index Tool

A few days ago, the ILA~USMX Joint Safety Committee (JSC) published its June 2024 OSH Circular (“**Occupational Heat Stress**”). We provide a link to it here:

[OSH Circular 2024-06](#)

The JSC has learned that in April of this year, the National Weather Service (in collaboration with NOAA and the Centers for Disease Control & Prevention) launched a web site known as “**NWS Heat Risk**.” The new website is designed to provide geographically specific information that considers several important factors in the assessment and communication of intelligence that may come in very handy for port workers and managers in combating rising temperatures and humidity indexes.

Users can search a map of the contiguous United States or input [their own town or address](#) [active link] to figure out their own level of threat, ranging between **One** (little to no risk) and **Four** (extreme risk).

The new National Weather Service system considers three factors. First, it tracks how unusual the heat is for the time of year (because hot days in, say, May are often harder on your body than when you’re acclimated to heat that’s occurring in July). It also accounts for the duration of the heat wave, as longer heat waves tend to create more public health problems, and it incorporates how the CDC evaluates a given day’s heat-related hazards.

The new website represents another tool that we all can use to become better informed and to create and maintain a safe work environment.

The JSC is pleased to provide a link to it here: [NWS Heat Risk Website](#)

Got a question about this particular subject? Write to the JSC at: blueoceana@optonline.net

Working Together For The Benefit Of All

ILA-USMX OSH Alerts are devised to reflect the best possible information and guidance, and are products of diligent research and the most up to date subject matter knowledge. Consequently, while the information contained herein is believed to be accurate, owing to a host of factors ILA-USMX can convey no direct or implied warranty relative to the reliance of parties upon content.



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2024-04 [29 March 2024]

OSHA Final Rule: Inspection Walkaround Representatives of Employees

The ILA~USMX Joint Safety Committee has received an advance copy of a **FEDERAL REGISTER** notice that OSHA intends to have published on April 1, 2024. In that notice, which we provide a link to below, the agency issues a Final Rule which substantially changes the manner in which an individual may be designated as a “*employee representative*” and thus be permitted to accompany and interact with the OSHA compliance officer during the course of a given OSHA inspection of the workplace.

OSHA apparently senses that some “*employee representative[s]*” do a better job of assisting in the conduct of agency enforcement actions than do others.

The **SUMMARY** section of the Final Rule is instructive:

SUMMARY: In this final rule, OSHA is amending its Representatives of Employers and Employees regulation to clarify that the representative(s) authorized by employees may be an employee of the employer or a third party; such third-party employee representative(s) may accompany the OSHA Compliance Safety and Health Officer (CSHO) when, in the judgment of the CSHO, good cause has been shown why they are reasonably necessary to aid in the inspection. In the final rule, OSHA also clarified that a third party may be reasonably necessary because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills. OSHA concluded that these clarifications aid OSHA’s workplace inspections by better enabling employees to select representative(s) of their choice to accompany the CSHO during a physical workplace inspection. Employee representation during the inspection is critically important to ensuring OSHA obtains the necessary information about worksite conditions and hazards.

<https://acrobat.adobe.com/id/urn:aaid:sc:US:b23d6692-84fd-481a-96eb-83403bdb504b>

Got a question about this particular subject? Write to the JSC at: blueoceana@optonline.net

Working Together For The Benefit Of All

ILA-USMX OSH Alerts are devised to reflect the best possible information and guidance, and are products of diligent research and the most up to date subject matter knowledge. Consequently, while the information contained herein is believed to be accurate, owing to a host of factors ILA-USMX can convey no direct or implied warranty relative to the reliance of parties upon content.



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2024-03 [07 March 2024]

Revised CDC Guidance in re COVID-19

The ILA~USMX Joint Safety Committee (JSC) has received many questions from many ports about recent revisions to the Centers for Disease Control's COVID-19 guidance for persons who become infected with that virus. This OSH Alert is offered as a means to provide an update to our management & labor constituents with regard to that particular subject.

To do so, the JSC will excerpt a well written and easily understandable piece taken from a recently published scholarly law article. We quote:

"The [CDC's Respiratory Virus Guidance](#) says people who are sick with a respiratory virus, including COVID-19, should stay home and away from others until at least 24 hours after both their symptoms are getting better overall and they have not had a fever (and are not using fever-reducing medication).

Because some people may remain contagious after this period, the CDC advises that people should take additional preventive steps for five days after returning to normal activities, "such as taking more steps for cleaner air, enhancing hygiene practices, wearing a well-fitting mask, keeping a distance from others, and/or getting tested for respiratory viruses." The CDC reminds us that "[e]nhanced precautions are especially important to protect those most at risk for severe illness, including those over 65 and people with weakened immune systems."

"Since the official end of the COVID-19 public health emergency last year, employers have been in a quandary concerning what, if any, steps were required if an employee reported they had tested positive for COVID-19. Many employers [and employees] have continued to follow CDC guidance.

The latest CDC change makes it easier for these employers [and employees] to begin treating COVID-19 like they treat other respiratory illnesses. In many jurisdictions and industries, COVID-19 protocols have evolved away from contact tracing and reporting and now, employers [and employees] can say goodbye to the five-day isolation periods."

Got a question about this particular subject? Write to the JSC at: blueoceana@optonline.net

Working Together For The Benefit Of All

ILA-USMX OSH Alerts are devised to reflect the best possible information and guidance, and are products of diligent research and the most up to date subject matter knowledge. Consequently, while the information contained herein is believed to be accurate, owing to a host of factors ILA-USMX can convey no direct or implied warranty relative to the reliance of parties upon content.



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2024-02 [26 January 2024]

Posting OSHA's Injury/Illness Summary

This ILA~USMX OSH Alert is offered to advise our labor and management constituents that the OSHA Form 300A [Annual Summary of Occupational Injuries and Illnesses] for calendar year 2023 must be posted in the workplace during the period Feb 1, 2024-April 30, 2024.

Our advice:

1. Review CY 2023's OSHA injury log [OSHA Form 300] for accuracy.
2. Complete the Summary [OSHA Form 300A]. **Note: Employers are required to post the summary, even if your company had zero work-related injuries or illnesses in the prior year.**
3. Certify the Summary by having it signed by a company executive (such as the CEO, owner, or president).
4. Post the summary in a common area from February 1 to April 30.

OSHA's civil penalties for alleged recordkeeping violations of the OSH Act begin at \$15,625.00. Consequently, taking care of this "low hanging fruit" makes a great deal of sense.

OSHA's Form 300A (Rev. 04/2004)
Summary of Work-Related Injuries and Illnesses

Year 20

U.S. Department of Labor
Occupational Safety and Health Administration

Form approved 04/04 by 1216-01-76

Establishment information

For establishment use

Street

City State Zip

Industry description (e.g., Manufacturer of motor truck trailers)

North American Industrial Classification (NAICS), if known (e.g., 336212)

Employment information (If you don't have these figures, use the Worksheet on the next page to estimate.)

Annual average number of employees

Total hours worked by all employees last year

Sign here

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Company executive Title

Phone Date

Reset

Number of Cases

Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
0	0	0	0

Number of Days

Total number of days away from work	Total number of days of job transfer or restriction
0	0

Injury and Illness Types

Total number of:	(1) Injuries	(2) Skin disorders	(3) Respiratory conditions	(4) Poisonings	(5) Hearing loss	(6) All other illnesses
0	0	0	0	0	0	0

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Many companies transfer information collected on this form to a computer system. If you use a computer system, include this form in your system and update the data as needed and comply with the collection of information. Because we are required to report to the collection of information under a display a currently valid OSHA record number. If you have any comments about this collection of information or any other aspect of this collection, contact: U.S. Department of Labor, OSHA Office of Information, Room 3-300, 200 Constitution Avenue, NW, Washington, DC 20545. Do not send the completed form to the office.

Got a question about this particular subject? Write to the JSC at: blueoceana@optonline.net

Working Together For The Benefit Of All

ILA-USMX OSH Alerts are devised to reflect the best possible information and guidance, and are products of diligent research and the most up to date subject matter knowledge. Consequently, while the information contained herein is believed to be accurate, owing to a host of factors ILA-USMX can convey no direct or implied warranty relative to the reliance of parties upon content.



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2024-01 [10 January 2024]

OSHA's Civil Monetary Fines to Rise

Tomorrow (11 January) the Occupational Safety & Health Administration (OSHA) has planned the publication of a notice in the **FEDERAL REGISTER**, which will announce the annual escalation of civil monetary penalties incurred by employers as a result of alleged violations of regulations/standards enforced by that agency.

We provide a link to tomorrow's notice:

[Tomorrow's FEDERAL REGISTER notice](#)

In sum, the following table provides an indication of how such increased fines will correlate to alleged violations beginning 15 January 2024:

				CURRENT		FUTURE	
OSHA	Occupational Safety and Health Act	Serious Violation	29 CFR 1903.15(d)(3)		\$15,625		\$16,131
OSHA	Occupational Safety and Health Act	Other-Than-Serious	29 CFR 1903.15(d)(4)		\$15,625		\$16,131
OSHA	Occupational Safety and Health Act	Willful	29 CFR 1903.15(d)(1)	\$11,162	\$156,259	\$11,524	\$161,323
OSHA	Occupational Safety and Health Act	Repeated	29 CFR 1903.15(d)(2)		\$156,259		\$161,323
OSHA	Occupational Safety and Health Act	Posting Requirement	29 CFR 1903.15(d)(6)		\$15,625		\$16,131
OSHA	Occupational Safety and Health Act	Failure to Abate	29 CFR 1903.15(d)(5)		\$15,625 per day		\$16,131 per day

Got a question about this particular subject? Write to the JSC at: blueoceana@optonline.net

Working Together For The Benefit Of All

ILA-USMX OSH Alerts are devised to reflect the best possible information and guidance, and are products of diligent research and the most up to date subject matter knowledge. Consequently, while the information contained herein is believed to be accurate, owing to a host of factors ILA-USMX can convey no direct or implied warranty relative to the reliance of parties upon content.